

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

ARA CRITES,)
Plaintiff,)
v.)
GEICO GENERAL INSURANCE)
COMPANY)
and)
GEICO INDEMNITY COMPANY,)
Defendants.)

Case No. _____

Jackson County, Missouri
Case No. 1416-CV19121

NOTICE OF REMOVAL

COME NOW defendants GEICO General Insurance Company (“GEICO General”) and GEICO Indemnity Company (“GEICO Indemnity”) (collectively, “GEICO”), by and through their undersigned counsel and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and file this Notice of Removal of the above-captioned matter to the United States District Court for the Western District of Missouri, Western Division. GEICO asserts the following grounds supporting removal:

1. This action commenced in the Circuit Court of Jackson County, Missouri on August
14, 2014, when plaintiff Ara Crites (“Crites”) filed her Petition. GEICO did not receive notice of
the filing of this action or a copy of Crites’s Petition or subsequent First Amended Petition before
service of process was accomplished through the Missouri Department of Insurance, Financial
Institutions & Professional Registration on October 3, 2014.

2. Because this Notice of Removal is filed less than one year after this action commenced, and because it is filed less than thirty days after GEICO first received a copy of Crites's First Amended Petition through service, it is timely. 28 U.S.C. § 1446(b).

3. This action was brought by only one plaintiff, Crites, who alleges in her First Amended Petition that she is a resident of Missouri and, therefore, a citizen of the State of Missouri. This action was brought against only two defendants, GEICO General and GEICO Indemnity. Each is incorporated and exists under the laws of the State of Maryland and has its principal place of business in Maryland. Thus, both GEICO General and GEICO Indemnity are considered citizens of the State of Maryland for purposes of diversity. 28 U.S.C. § 1332(c)(1). GEICO is not deemed a citizen of the state of which Crites is a citizen because this action is not a "direct action against the insurer of a policy or contract of liability insurance." *See Id.*

4. In her First Amended Petition, Crites alleges she sustained severe personal injuries and seeks uninsured motorist ("UM") coverage for those injuries under an insurance policy issued by GEICO General. The limit of UM coverage under such policy is \$100,000 per person. Additionally, Crites seeks damages from GEICO over and above such coverage limit for alleged "vexatious refusal to pay" pursuant to Section 375.296 of the Revised Statutes of Missouri. GEICO denies any liability for any of the damages claimed.

5. Because this action is between citizens of different states, and because the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, the United States District Court for the Western District of Missouri maintains jurisdiction over this action. 28 U.S.C. § 1332(a)(1).

6. Because all of the defendants in this action are joining in this Notice of Removal, consent to removal by other defendants is not required under the so-called "unanimity rule." *See 28 U.S.C. § 1446(b)(2)(A).*

7. A copy of all process, pleadings, orders, and other documents filed in this action in the Circuit Court of Jackson County, Missouri as of the filing of this Notice of Removal, including Crites's First Amended Petition, is attached as "Exhibit A" hereto. *See 28 U.S.C. § 1446(a).*

8. GEICO certifies that, on the date of filing of this Notice of Removal, it filed a notice of said filing in the Circuit Court of Jackson County, Missouri and served the same upon counsel for Crites. *See 28 U.S.C. § 1446(d).* A copy of this Notice of Removal, without its exhibits, was attached to said notice of filing filed in state court. A copy of the notice of filing, without its exhibits, is attached as "Exhibit B" hereto.

WHEREFORE, GEICO removes this action from the Circuit Court of Jackson County, Missouri to the United States District Court for the Western District of Missouri, Western Division.

Respectfully submitted,

**FOLAND, WICKENS, EISFELDER,
ROPER & HOFER, P.C.**

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CERTIFICATE OF SERVICE

I hereby certify that, on the 3rd day of November, 2014, a true and accurate copy of the foregoing was placed for delivery via U.S. Mail to:

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